

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, JULY 5, 2005
9:00 A.M.**

ROLL CALL

Invocation – Fire Chaplain Ed Sinke
Pledge of Allegiance

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

- 1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of June 28, 2005 and Minutes for the Special City Council Meeting of June 27, 2005 (Agenda Review).

- 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

- 3E.** That the City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$39,000.00, from the City of El Paso Police Department to the Office of the Attorney General, Crime Victim Services Division, for the purpose of continuing the efforts of the El Paso Police Department's VCLG program.

The City of El Paso agrees to provide a cash match of \$3,777.00 and in-kind matching funds in the amount of \$960.00.

Confiscated Funds, account #21150060-500231-16371, for a total of \$43,737.00.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

- 3F.** That the City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$50,000.00, from the City of El Paso Police Department to the Office of the Attorney General, Crime Victim Services Division, for the purpose of continuing the efforts of the El Paso Police Department's OVAG program.

The City of El Paso agrees to provide a cash match of \$26,212.00 and in-kind matching funds in the amount of \$1,920.00.

Confiscated Funds, account #21150060-500231-16371, for a total of \$78,132.00.
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

- 3G.** That the City Manager be authorized to sign the Sixth Amendment to the Facility Management and Tourism Agreement between the City of El Paso and SMG.
[Quality of Life Services, Deborah Hamlyn, (915) 541-4686]

4. STAFFING TABLE CHANGES:

4A. Engineering

Delete	1.00	Traffic Specialist I	GS 20
Delete	1.00	Traffic Counter	GS 6
Delete	1.00	Traffic Counter	GS 6
Add	0.75	Traffic Counter	GS 6
Add	0.75	Traffic Counter	GS 6

Fund Source: 35010048-01101-35000

[Engineering Department, Rick Conner, (915) 541-4200]

4B. Performing Arts and Culture Resources

Add	1.00	Grants Planner	PM 74
Delete	1.00	Arts Grants Coordinator	PM 72

Fund Source: 55010303-15707-55000

[Performing Arts and Culture Resources, Betty Jaraba, (915) 541-4896]

5. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment)

6. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]**6A. BT2005-1231 ECONOMIC DEVELOPMENT**

Increase in Estimated Sales/Event Revenue based on YTD revenue & end of year projection.

Increase	\$ 27,400	to	57010270/15707/404005	ParkngFeeRe
Increase	\$ 42,380	to	57010270/15707/404306	SalestoPublic
Increase	\$ 30,220	to	57010270/15707/405020	FacRentRev
Increase	\$100,000	to	57010270/15707/502115	MgmtConsult

6B. BT2005-1232 ECONOMIC DEVELOPMENT

Increase in estimated Hotel Occupancy Tax Revenue based on YTD & end of year projected hotel receipts.

Increase	\$142,146	to	57010301/15707/502115	MgmtConsult
Increase	\$142,146	to	57010270/15707/401021	HotelOccTax

7. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

7A. Andress High School Band to hold a march on August 13, 2005 from 5:00 p.m. to 7:00 p.m. Route: Start at Andress High School – 5400 Sun Valley Dr to Mackinaw, turn right on Mackinaw to Dearborne, turn left on Dearborne to Rushing, turn right on Rushing to Trojan, turn left on Trojan to Cronus, turn left on Cronus to Sagittarius, turn right on Sagittarius to Kenworthy, turn left on Kenworthy to Pasadena St, turn right on Pasadena St through Arlington Park to Junction, turn right on Junction to Bon Aire, turn left on Bon Aire to Tropicana, turn left on Tropicana to Yellowstone, turn left on Yellowstone to Debeers, turn right on Debeers to Mackinaw, turn left on Mackinaw to Sun Valley, turn right on Sun Valley and finish at the school. Approximately 170 persons, 4 vehicles will take part and 700 spectators are anticipated. This request includes permission to use amplification (1 bullhorn). PERMIT # 05-084 [Martha Trevizo] **(District 4)**
NO OBJECTIONS FROM FIRE, SUN METRO, PARKS AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 4 OFFICERS AND 4 VEHICLES. ESTIMATED COST TO CITY: \$300.00 ESTIMATED COST TO APPLICANT: \$100.00. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

7B. El Paso Parks and Recreation to use amplification (12 microphones, 8 amplifiers and 12 speakers) at Eastwood Park – 3110 Parkwood St on July 17, 2005 and July 24, 2005 from 5:30 p.m. to 9:30 p.m. for summer concerts. Approximately 12 persons will take part and 1,000 spectators are anticipated.
PERMIT # 05-083 [Joe Rodriguez] **(District 5)**
NO OBJECTIONS FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA**8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited on the date of the scheduled public hearing.**

- 8A.** An Ordinance changing the zoning of Lot 7, Replat of a portion of Arcadia Subdivision, El Paso, El Paso County, Texas from R-3 (Residential) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Arturo and Manuela Castaneda. ZON05-00041
(District 7) [Planning, Research and Development, Christina Valles, (915) 541-4930]
- 8B.** An Ordinance changing the zoning of a portion of Lot 4, Block 290, Vista del Sol Unit Eighty, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: GFA Limited Partnership. ZON05-00042
(District 7) [Planning, Research and Development, Christina Valles, (915) 541-4930]
- 8C.** An Ordinance changing the zoning of a portion of Lot 1, Block 3, Transmountain Commercial Park Unit Three, El Paso, El Paso County, Texas from C-4/c (Commercial/condition) to R-3/c (Residential/condition). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Louis Kennedy. ZON05-00045 **(District 1)**
[Planning, Research and Development, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON JULY 26, 2005 FOR ITEMS 8A – 8C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

9. MAYOR AND COUNCIL:

- 9A.** Discussion and action to direct the El Paso Zoo to relocate elephants Juno and Savannah to the Elephant Sanctuary in Tennessee or similar quality elephant sanctuary facility as soon as feasible, with arrangements to be made by September 1, 2005. POSTPONED FROM 06-07-05
- 9B.** Discussion and Action to develop and adopt a Resolution that the City of El Paso will not use eminent domain to acquire private property to make room for private development without a public purpose.
[Representative Jose Alexandro Lozano, (915) 541-4515 and Representative Eddie Holguin, (915)

10. BUILDING AND PLANNING SERVICES:

[Building and Planning Services, Patricia D. Adauto, (915) 541-4853]

Discussion and action on a Resolution appointing the Mayor, John F. Cook, and Council Representatives Presi Ortega, Jr., Beto O'Rourke, and Eddie Holguin, Jr. as members of the Transportation Policy Board from the City of El Paso, Texas, for the Metropolitan Planning Organization. **(Districts – All)**

11. CITY ATTORNEY: [City Attorney's Office, Jorge Villegas, (915) 541-4550]

Discussion and action on a Resolution that the City Manager be authorized to sign a Rate Agreement by and between the City of El Paso and the El Paso Electric Company to freeze the electric rates for electric utility service for a period of five (5) years.

12. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]**12A. BT2005-1218 BUILDING AND PLANNING SERVICES**

Building and Planning Services proposes to transfer \$470,682.36 from the Resurfacing Fiscal 2000 CO project and \$529,317.64 from the 2002 Resurfacing project to a new project for Mast Arm Replacement. Funding sources are 1996 and 2000 COs. **(All Districts)**

Decrease	\$ 99,252.37	from	31250102/PPW003100127175/508024	Testing
Decrease	\$ 60,000.00	from	31250102/PPW003100127175/508026	Inspections
Decrease	\$311,429.99	from	31250102/PPW003100127175/508027	Construction
Increase	\$470,682.36	to	31250102/PST0500227175/508027	Construction
Decrease	\$529,317.64	from	31133001/PPW006227080/508027	Construction
Increase	\$529,317.64	to	31133001/PS70500227080/508027	Construction

12B. BT2005-1241 POLICE/OMB

Transfer necessitated to bring debt service balance to necessary amount required for scheduled FY05 payments.

Decrease	\$1,201,167	from	21010050/01101/501012	UniformSalary
Increase	\$1,201,167	to	21010050/01101/507000	Intrfd Trf
Increase	\$1,201,167	to	99200101/20100/407000	Intrfd Trf
Increase	\$1,201,167	to	99200101/20100/507002	Trf to F/B

13. PUBLIC HEARING – CITY ATTORNEY: [City Attorney's Office, Jorge Villegas, (915) 541-4550]

An Ordinance granting a franchise to El Paso Electric Company and waiving application procedures.

14. PUBLIC HEARING – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.040 (Schedule IV- Parking prohibited during certain hours on certain streets), Paragraph 12.88.040 (J) (No Parking, 7:00 A.M. to 4:00 P.M.) to include new location on Missy Yvette North of Ben Proctor, East side from addresses 1444 through 12148, and the West Side from addresses 1445 through 12153. The Penalty as Provided in Section 12.84.010 Of The El Paso Municipal Code. **(District 6)**

15. PUBLIC HEARING – CITY CLERK:

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

An Ordinance establishing deadlines and procedures for placing matters on the Agenda for City Council Meetings and repealing Ordinance No. 15791.

16. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

- 16A.** An Ordinance changing the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Texas M, LLC. ZON05-00007 **(District 7)**

[Planning, Research and Development, Fred Lopez, (915) 541-4925]

POSTPONED FROM 06/14/05, 05/17/05 AND 05/03/05

- 16B.** An Ordinance changing the zoning of Parcel 1: All of Tract 9B and a portion of Tracts 6 and 10A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential) and imposing certain conditions; and Parcel 2: A portion of Tracts 9F and 10A, Block 11, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-2 (Residential) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mountain Vista Realty, Inc. ZON05-00006 **(District 1)** POSTPONED FROM 06/14/05 AND 05/17/05

[Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 16C.** An Ordinance changing the zoning of Tract 13d, Block 51, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-4 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Onesimo and Lupe Elias. ZON05-00024 **(District 6)**

[Planning, Research and Development, Christina Valles, (915) 541-4930]

- 16D.** An Ordinance changing the zoning of Parcel 1: A portion of Section 21, Block 81, Township 1, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-3A (Residential), Parcel 2: A portion of Section 21, Block 81, Township 1, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to C-1/c (Commercial/conditions), and Parcel 3: A portion of Section 21, Block 81, Township 1, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to A-2 (Apartment). The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: EPT Land Assets, LP. ZON05-00032 **(District 4)**

[Planning, Research and Development, Christina Valles, (915) 541-4930]

- 16E.** An Ordinance changing the zoning of a portion of Section 22, Block 81, TSP 1, Texas And Pacific Railroad Company Survey, El Paso, El Paso County, Texas from R-F (Ranch-Farm) To R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Development, Inc. ZON05-00036 **(District 4)**

[Planning, Research and Development, Christina Valles, (915) 541-4930]

17. PUBLIC HEARING – PURCHASING: [Purchasing Department, Byron Johnson, (915) 541-4308]

An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the County of El Paso, El Paso, Texas which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.

18. CITY MANAGER: [City Manager, Joyce A. Wilson, (915) 541-4844]

City Manager's report of current events and issues.

19. The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

19A. *Tomas Garcia vs. The City of El Paso*; Cause No. 2004-2341 in the 346th District Court (551.071). [City Attorney's Office, James A. Martinez, (915) 541-4550]

19B. *Isabel Burke and Cecilia Aguirre vs. City of El Paso*; Cause No. EP-03-CA-0426-FM in the United States District Court for the Western District of Texas (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

19C. *Rita Rodriguez v. The City of El Paso*, Cause No. 2004-4957 in the 34th District Court. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

19D. Discussion, deliberation and action on economic development related negotiations with a business prospect, as proposed by the El Paso Regional Economic Development Corporation, and the possible offer of financial or other incentives to the business prospect. (551.087)
[City Attorney's Office, John Nance, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE FOLLOWING ADDRESS: <http://www.elpasotexas.gov>